

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

)	
THE HIPSAVER COMPANY, INC.,)	
)	
Plaintiff,)	
)	
v)	Civil Action No. 05-10917 PBS
)	
J.T. POSEY COMPANY,)	
)	
Defendant.)	
)	
)	

**STATEMENT TO THE COURT REGARDING
REVISED/AMENDED JURY INSTRUCTIONS [D.N. 324]**

In HipSaver's Proposed Jury Instructions, HipSaver referenced Trial Exhibit No. 657 as containing the facts stipulated by the parties. *See* Proposed Jury Instructions (HipSaver) [D.N.316] at 34. However, this exhibit is referenced in error. Instead, the facts stipulated to by the two parties are contained in HipSaver's Trial Brief [D.N. 274]. The Revised Jury Instructions, filed today, reflect this change. *See* Revised Jury Instructions [D.N. 324].

Respectfully submitted
The HipSaver Company, Inc.
By its Attorneys,

/s/ Courtney M. Quish

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August 13, 2007

CERTIFICATE OF SERVICE

I certify that this document has been filed through the Electronic Case Filing System of the United States District Court for the District of Massachusetts and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic filing.

/s/ Courtney M. Quish

Courtney M. Quish